

FILED

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 Montana Legal Services Association
 2442 First Avenue North
 Billings, MT 59101
 Telephone: (406) 248-7113 x239
 Attorneys for Alden Big Man

2012

[Signature]
 DEPUTY CLERK

**IN THE CROW TRIBAL COURT, IN AND FOR THE CROW INDIAN
 RESERVATION**

ALDEN BIG MAN)	
)	Cause No. <i>12-118</i>
Petitioner,)	
v.)	
)	COMPLAINT
BIG HORN COUNTY ELECTRIC)	
COOP.,)	
Respondent.)	

Mr. Alden Big Man brings this action against Big Horn County Electric Cooperative (BHCEC) for violations of the Crow Law and Order Code Title 20 sections 20-1-105 and 20-1-110.

PARTIES

1. Plaintiff is an enrolled member of the Crow Tribe residing on the Crow Reservation.
2. Defendant is a cooperative that delivers service on the Crow Reservation.

JURISDICTION

4. This court has jurisdiction over the parties to this action since the Plaintiff is an enrolled member of the Tribe and BHCEC entered into a consensual and contractual relationship with Plaintiff to provide service on the Crow Reservation. Also,

BHEC is a member owned cooperative and the majority of members are enrolled members of the Crow Tribe.

5. The court has jurisdiction over the cause of action since it arises on the Reservation.

FACTS

1. BHCEC shut of Mr. Big Man's power on January 24, 2012.
2. BHCEC delivered one disconnect notice January 24, 2012 before the shut-off.
(attached Exhibit A).
3. BHCEC has not contacted the Crow Health and Human Services Board for approval.
4. Mr. Big Man applied to the Human Resources Development Council (HRDC) for Low-Income Energy Assistance (LIEAP) on January 20, 2012.
5. Mr. Big Man was approved for LIEAP by HRDC on January 26, 2012, but BHCEC did not accept the payment. (attached Exhibit B).

CAUSE OF ACTION

Title 20 of the Crow Law and Order Code states that "During the period of November 1st to April 1st . . . no termination of residential service may take place."

CLOC 20-1-110 TERMINATION OF SERVICE DURING WINTER MONTHS.

Further, this statute provides that no termination may take place during these winter months "except with specific prior approval of the board." CLOC 20-1-110(2).

COMPLAINT

Title 20 requires the utility to notify the customer in writing via personal service or certified mail ten days prior to the termination date. CLOC 20-1-105(2)(a). Also, the utility is required to give notice to the board of the proposed termination. CLOC 20-1-117.

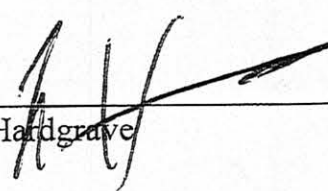
It is undisputed that BHCEC terminated Mr. Big Man's power on January 24, 2012. By doing this, BHCEC violated Crow law. Also, BHCEC failed to comply with notice requirements in Title 20. Mr. Big Man was given one notice of disconnect on January 24, 2012.

REMEDIES

Plaintiff prays the Court:

- 1) Award damages the Court deems appropriate, with a minimum of \$992.94 calculated as "twice the amount of a delinquent bill or other charge sought to be collected by the utility." CLOC 20-1-120(2).
- 2) Attorneys fees. CLOC 20-1-120(4).

Dated this 2 day of May, 2012.



Joe Hardgrave

IN THE CROW TRIBAL CIVIL COURT
IN AND FOR THE CROW INDIAN RESERVATION
P.O. BOX 489; CROW AGENCY, MONTANA 59022
(406) 638-7400, FAX (406) 638-7415

CERTIFICATE OF MAILING

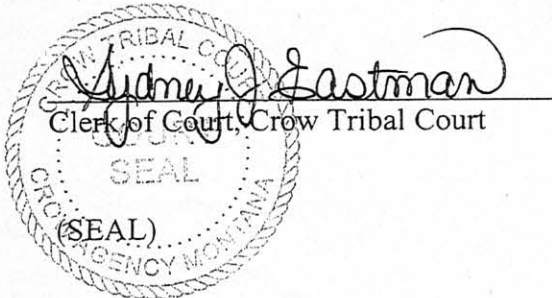
CIVIL CASE NO. 12-118

I, **Sydney J Eastman**, in the position of **Civil Court Clerk** in the CROW TRIBAL COURT System do hereby verify a true and accurate copy of the **NOTICE OF CIVIL COMPLAINT**, was sent to the following addresses:

James E. Torske
Attorney at Law
314 North Custer Ave.
Hardin, Montana 59034

Certified Mail # 7004 1350 0002 3035 1648

Notice was placed in the mail depository in the UNITED STATES POST OFFICE at Crow Agency, Montana on the 3rd day of **May, 2012**.



0008443000



BIG HORN COUNTY ELECTRIC
P.O. Box 410
Hardin, Montana 59034-0410

Hardin Office: 406-665-2830
Lodge Grass Office: 406-639-2341

ALDEN BIG MAN
PO BOX 271
CROW AGENCY MT 59022-0271

1 31



Notice Date	Account Number	Notice Amount
01/24/2012	8443000	396.47
Additional Collection Fee		100.00
Immediate Pay to Avoid Disconnect		496.47

THIS NOTICE REQUIRES YOUR IMMEDIATE ATTENTION

If you have already made remittance,
please disregard this notice.

Service Area: HA2

Service Map Location: 35770000

Meter Number: 5265

DISCONNECT NOTICE

... AN IMPORTANT MESSAGE ABOUT YOUR ELECTRICITY ...

Your service with Big Horn County Electric Cooperative is subject to DISCONNECT ACTION because of an unpaid bill or a returned check. An additional charge of \$100 has already been added to your account for collection services. Your service(s) will be disconnected after 24 hours unless full payment is received. If the service is disconnected, there will be an additional fee to reconnect the service.

Every effort will be made to reconnect accounts during normal working hours of the day the payment is made, but if it is not possible, the reconnect will be done the next working day.

DATE: 1/24/12

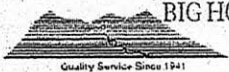
TIME: 1:40

**Up-to-date billing or an additional deposit may be required after service is disconnected.

EXHIBIT

A

Please detach and return this portion with your payment.



BIG HORN COUNTY ELECTRIC
Cooperative, Inc.

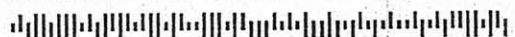
Date: _____ Time: _____

Service Area: HA2 Service Map Location: 35770000 Meter Number: 5265

Account Number	Due Date	Immediate Amount Due	Amount Paid
8443000	01/25/2012	496.47	

ALDEN BIG MAN
PO BOX 271
CROW AGENCY MT 59022-0271

Big Horn County Electric Cooperative
P.O. Box 410
Hardin MT 59034-0410

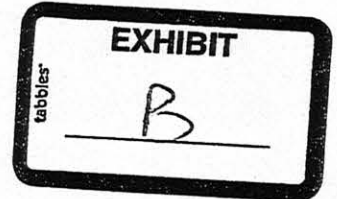




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Fax: (406) 248-6971
dist7hrdc@imt.net

HUMAN RESOURCES DEVELOPMENT COUNCIL

February 03, 2012



D. Michael Eakin
Managing Attorney, Indian Law Unit
Montana Legal Services Association
2442 1st Avenue North
Billings, MT 59101

Re: Alden Big Man

Dear Mr. Eakin:

Alden Big Man turned his LIEAP application in on January 20, 2011, he called me the afternoon of Monday, January 23, 2011 to state that he was in threat of disconnect. I pulled his application to be worked immediately. We do not contact utility companies until applications are done as they only want to hear benefit amounts. We process several emergency applications a day. I notified Christy with Big Horn County Electric at 2:03 p.m. on Thursday, January 26, 2012 as to his benefit amount. She stated he was already shut off and the amount would not cover what he owed.

Sincerely,

A handwritten signature in cursive script, appearing to read 'Patty Wilson'.

Patty Wilson

Energy Assistance Supervisor